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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" was included in the agenda of the fifty-third session of the General Assembly pursuant to Assembly resolution 51/156 of 16 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in the agenda of its fifty-third session and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 29th to 31st meetings, on 13 and 16 November 1998. The views of representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.29–31).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Reports of the Secretary-General (A/INF/52/6 and Add.1 and A/53/276 and Corr.1);

(b) Letter dated 2 September 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/53/317–S/1998/831);

(c) Letter dated 18 August 1998 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/53/353);

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(d) Identical letters dated 10 September 1998 from the Permanent Representative of the Islamic Republic of Iran addressed to the Secretary-General and the President of the Security Council (A/53/360–S/1998/846);

(e) Letter dated 15 September 1998 from the Permanent Representative of Austria addressed to the Secretary-General (A/53/403);

(f) Letter dated 16 September 1998 from the Permanent Representative of the Islamic Republic of Iran addressed to the Secretary-General (A/53/405).

II. Consideration of draft resolution A/C.6/53/L.11

5. At the 30th meeting, on 16 November, the representative of Finland, on behalf of *Argentina, Austria, Canada, Chile*, the *Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Lesotho*, the *Netherlands, Norway, Romania*, the *Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey*, the *United Kingdom of Great Britain and Northern Ireland, Uruguay* and *Zimbabwe*, subsequently joined by *Bulgaria* and *Italy*, introduced a draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/C.6/53/L.11).

6. At its 31st meeting, on 16 November, the Committee adopted draft resolution A/C.6/53/L.11 without a vote (see para. 8).

7. After the adoption of the draft resolution, the representative of Mexico made a statement in explanation of position (see A/C.6/53/SR.31).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the reports of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the recent acts of violence against diplomatic and consular representatives, as well as against representatives of international intergovernmental organizations and officials of such organizations, which have endangered or taken innocent lives and seriously impeded the normal work of such representatives and officials,

[1] A/INF/52/6 and Add.1 and A/53/276 and Corr.1.

Expressing sympathy for the victims of such illegal acts,

Welcoming the Security Council resolutions and statements by the President of the Security Council in relation to flagrant violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives of international intergovernmental organizations and officials of such organizations,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Also recalling that diplomatic and consular premises must not be used in any manner incompatible with the diplomatic or consular functions,

Emphasizing the duty of States to take all appropriate measures as required by international law, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to that end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established under General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Takes note* of the reports of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives of international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Also strongly condemns* the recent acts of violence against such missions, representatives and officials, referred to in relevant reports under this item;

4. *Urges* States to strictly observe, implement and enforce the principles and rules of international law governing diplomatic and consular relations and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

5. *Also urges* States to take all necessary measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above and to ensure, with the participation of the United Nations, where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

6. *Recommends* that States cooperate closely through, *inter alia*, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular

missions and representatives and with regard to the exchange of information on the circumstances of all serious violations thereof;

7. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

8. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

9. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

10. *Also calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means for the peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

11. *Requests* all States to report to the Secretary-General in accordance with paragraph 9 of resolution 42/154 of 7 December 1987;

12. *Requests* the Secretary-General to issue a report on the item, in accordance with paragraph 12 of resolution 42/154, containing also an analytical summary of the reports received under paragraph 11 above, on an annual basis, as well as to proceed with his other tasks pursuant to the same resolution;

13. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".